

[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
PROPOSED AGENDA**

This Document Relates to:

ALL ACTIONS

Pursuant to Civil Local Rule 16-10(d) and the Court’s July 17, 2020 Minute Order (ECF No. 808), counsel for Defendants Juul Labs, Inc. (“JLI”), Altria,¹ Director Defendants,² E-Liquid Defendants,³ Retailer Defendants,⁴ and Distributor Defendants⁵ (collectively “Defendants”), and Plaintiffs’ Co-Lead Counsel (“Plaintiffs”) (collectively referred to herein as the “Parties”)

¹ “Altria” refers to Altria Group, Inc., and the Altria-affiliated entities named in Plaintiffs’ Consolidated Class Action Complaint and Consolidated Master Complaint (collectively, “Complaints”), *see* ECF Nos. 387, 388.

² “Director Defendants” refers to Messrs. James Monsees, Adam Bowen, Nicholas Pritzker, Hoyoung Huh, and Riaz Valani.

³ “E-Liquid Defendants” refers to Mother Murphy’s Labs, Inc., Alternative Ingredients, Inc., Tobacco Technology, Inc., and Eliquitech, Inc.

⁴ “Retailer Defendants” refers to Chevron Corporation, Circle K Stores, Inc., Speedway LLC, 7-Eleven, Inc., Walmart, and Walgreen Co.

⁵ “Distributor Defendants” refers to McLane Company, Inc., Eby-Brown Company, LLC, and Core-Mark Holding Company, Inc.

respectfully provide this Joint Case Management Statement in advance of the Further Case Management Conference scheduled for August 21, 2020.

I. PARTICIPANT INFORMATION

The conference will proceed via Zoom and the parties will not appear in person. Anyone who wishes to attend the conference must log in using the information provided by the Court on the public docket.

II. ISSUES TO BE DISCUSSED BELOW AND PROPOSED AGENDA

1. Status of Case Filings and Dismissals
2. Case Management Matters
3. 26(f) Report
4. Discovery Status
5. ADR Status

III. STATUS OF CASE FILINGS AND DISMISSALS

To date, 960 cases are pending in this MDL, naming 76 defendants. A list of these defendants is attached as **Exhibit A**. To date, 810 personal injury cases and 114 government entity cases (including 79 school districts, 19 counties, 1 city, and 15 tribes) have been filed in this MDL. As of August 18, 2020, 42 MDL plaintiffs have voluntarily dismissed their cases (40 personal injury plaintiffs and 2 class plaintiffs).

There are 193 complaints pending in JCCP 5052, which is assigned to Judge Ann I. Jones of the Los Angeles Superior Court as the Coordination Trial Judge. There are 16 defendants named in those cases.

The Parties are also aware of 13 cases filed by state attorneys general, specifically: California, Illinois, Hawaii, New York, North Carolina, Mississippi, Minnesota, Washington D.C., Arizona, Pennsylvania, New Mexico, Massachusetts, and Colorado. Plaintiffs' Liaison Counsel are continuing their outreach to various State Attorneys General to discuss cooperation with this MDL.

IV. CASE MANAGEMENT MATTERS

A. Case Schedule Proposals

The Parties have met and conferred regarding the case schedule but, as of the date of this statement, have been unable to reach agreement. The Parties, however, continue to meet and confer on these issues. In an effort to narrow disputes, the Parties respectfully request they be permitted to submit their joint or competing respective proposals and supporting positions to the Court under a later joint filing on Thursday, August 20, 2020.

B. Personal Injury Bellwether Proposals

The Parties have met and conferred regarding the bellwether selection proposals in the personal injury cases but, as of the date of this statement, have been unable to reach agreement. The Parties, however, continue to meet and confer on these issues. In an effort to narrow disputes, the Parties respectfully request they be permitted to submit their joint or competing respective proposals and supporting positions to the Court under a later joint filing on Thursday, August 20, 2020.

C. Amendment to ESI Protocol

The Retailer, Distributor, and E-Liquid Defendants have sent a suggested ESI protocol to Plaintiffs. The Parties are continuing to meet and confer regarding these proposed amendments and will submit either competing proposals or an agreed-upon submission by the September CMC.

D. Appointment of a Defense Liaison

Defendants have conferred and propose Renee D. Smith and Peter A. Farrell of Kirkland & Ellis LLP to serve as their liaison counsel to coordinate with Plaintiffs on scheduling and other case management matters.

E. Motion to Dismiss Certain Claims against the Retailer, Distributor, E-Liquid and Director Defendants

Plaintiffs' Position: The Retailer, Distributor, E-Liquid and Director Defendants seek two additional rounds of pleading challenges: they propose filing a motion to dismiss some, but not all, claims in the Amended Master Complaint (Personal Injury) in October 2020, before the Bellwether Pool is selected, and then filing another set of motions targeting the Bellwether

1 Plaintiffs later on. Plaintiffs have already agreed to narrow their claims against certain
2 Defendants via stipulation and contend that two additional rounds of pleadings challenges would
3 not be a productive use of the parties' resources and instead propose that any deferred motions to
4 dismiss proceed in one round, after the Bellwether Pool is selected.

5 As in the first wave, and consistent with the Manual for Complex Litigation section 11.32,
6 Plaintiffs propose that the parties begin with a meet and confer where Defendants identify the
7 scope and purpose of each motion to dismiss, no later than January 7, 2021. Other than the
8 cursory examples below, Plaintiffs are not clear as to what motions each of these Defendant
9 groups seek to bring, nor how resolving those motions on only certain claims would aid the
10 parties in selecting bellwether cases, focusing discovery, or streamlining resolution. Nor do
11 Plaintiffs understand how any contemplated motion to dismiss would turn only on the allegations
12 in the Amended Master Complaint (Personal Injury), without being tethered to the Plaintiff-
13 specific allegations in the Short Form Complaints or to any state's law (as all of the claims are
14 state-law claims). Since discovery against these Defendants will proceed regardless of the precise
15 contours of the complaints, Plaintiffs contend that the parties' and the Court's resources would be
16 best directed at completing that discovery and honing any pleading challenges to the Bellwether
17 Pool, which by definition and design should serve as a barometer for the other claims pending in
18 the MDL.

19 After the parties confer, Plaintiffs propose that the Bellwether Pool Plaintiffs would have
20 an opportunity to amend their Short Form Complaints—and if necessary the Master Complaint—to
21 cure any defect that Defendants identify by January 21, 2021. This step would allow the parties
22 to conserve resources and avoid needless motion practice—especially as discovery will be well-
23 underway and may provide sufficient factual support to overcome Defendants' purported
24 deficiencies. If nevertheless, Defendants are not satisfied with these amendments, they may
25 move to dismiss the Bellwether Pool plaintiffs' claims, to the extent permitted by the Court, on or
26 before February 5, 2021. Plaintiffs' oppositions would be due on March 1, 2021, Defendants'
27 replies would be due on March 15, 2021, and the Court would hold a hearing on April 1, 2021.
28

1 This proposal should allow the parties and the Court sufficient time to consider the Court's
2 rulings in determining the initial trial selections.

3 ***Retailer, Distributor, E-Liquid and Director Defendants' Position***: The Newly Named
4 Defendants (Retailer Defendants, Distributor Defendants, Director Defendants, and E-Liquid
5 Defendants) respectfully request the Court set a briefing schedule (proposed schedule below) for
6 motions to dismiss certain claims brought against them. The Newly Named Defendants were
7 added to the MDL after the initial motion to dismiss schedule was negotiated, and many of them
8 were only named in personal injury cases. Hence, the need for a separate motion to dismiss
9 schedule for the personal injury cases was flagged from the beginning of the Newly Named
10 Defendants' involvement.

11 The Retailer and Distributor Defendants have already met and conferred with Plaintiffs'
12 counsel since they have been involved in the case to understand which claims in the Amended
13 Master Complaint (Personal Injury) Plaintiffs contend apply to them. (*See, e.g.*, ECF No. 551
14 (May 13, 2020 Joint Case Management Conference Statement) at 6 (discussing that the Retailer
15 and Distributor Defendants are meeting and conferring with Plaintiffs' counsel regarding the
16 sufficiency of claims pleaded against them in the Master Complaint).) Plaintiffs and the Retailer
17 and Distributor Defendants have now reached agreement regarding three claims in the Master
18 Complaint (and underlying Short Form Complaints) that do not apply to these Defendants. That
19 agreement was recently memorialized in a Stipulation. (*See* ECF No. 875.) There are, however,
20 additional claims which the Newly Named Defendants believe are not properly pleaded against
21 them. The parties' good faith attempts to meet-and-confer regarding the sufficiency of these
22 claims have not resulted in agreement, and thus the Newly Named Defendants seek to move to
23 dismiss these claims now. The additional conferring that Plaintiffs propose would be pointless.
24 They already understand the issue, they cannot plead around it, and the litigation will not be
25 served by moving as to the insufficiency of the Master Complaint as it relates only to the few
26 claims selected as bellwethers when the same defect is present for all the personal injury cases.

27 The Newly Named Defendants understand Plaintiffs' opposition to any additional motion
28 practice to be threefold. First, Plaintiffs originally suggested in conferrals that the time for

1 motions to dismiss has passed because Defendants already filed motions to dismiss on grounds
 2 such as federal preemption. However, any prior motion to dismiss pursuant to the federal
 3 pleading standards was not ripe because Plaintiffs and the Retailer and Distributor Defendants
 4 were still meeting and conferring on these issues. The Retailer and Distributor Defendants were
 5 able to resolve some, but not all, issues vis-à-vis the Stipulation. And through these conferrals,
 6 Plaintiffs have been on notice for months that the Retailer and Distributor Defendants believe that
 7 certain claims—not just the three claims resolved in the Stipulation—were insufficiently pleaded
 8 against these Defendants. Plaintiffs have thus long been on notice that the Retailer and Distributor
 9 Defendants would seek to move to dismiss some of those claims, particularly because prior Case
 10 Management Conference statements make clear that the Retailer and Distributor Defendants were
 11 reserving their rights for additional motions. For example, Plaintiffs, the Retailer Defendants, and
 12 the Distributor Defendants stated in the May 13, 2020 Joint Case Management Conference
 13 Statement that:

14 Retailer and Distributor Defendants, and Plaintiffs, agree that other
 15 motion practice [beyond motions to dismiss regarding preemption
 16 and primary jurisdiction and motions to dismiss regarding directly
 17 filed cases] will be deferred until a later date. In addition, the
 18 parties agree that the rights of Retailer and Distributor Defendants
 with respect to other motion practice are reserved, including, but
 not limited to, personal jurisdiction challenges pursuant to Fed. R.
 Civ. P. 12(b)(2) in non-directly filed cases, or other challenges or
 motions pursuant to Federal Rules 8, 9, or 12.

19 (ECF No. 551 at 6.)

20 Second, Plaintiffs argue that for efficiency purposes, any such motion practice should be
 21 deferred until bellwether motion practice. Not so. The Newly Named Defendants' proposal to
 22 move to dismiss these claims is more efficient than Plaintiffs' proposal to defer these issues until
 23 bellwether motion practice. The Newly Named Defendants are not proposing to file motions
 24 based on the state laws of all fifty states or on personal jurisdiction grounds in individual cases.
 25 Instead, they agree to reserve their rights as to those motions and move on those grounds as
 26 appropriate after bellwether cases have been selected. There are, however, deficiencies that do not
 27 turn on a fifty-state survey or an individual Short Form Complaint that are more efficient to
 28 address now rather than in a piecemeal fashion later. For example, the Retailer, Distributor, and

1 E-Liquid Defendants' position is that the Master Complaint (and underlying Short Form
2 Complaints) fail to meet Rule 9(b)'s requisite pleading standards for claims sounding in fraud.
3 The Retailer, Distributor Defendants, and E-Liquid Defendants do not believe Plaintiffs will be
4 able to cure these defects via amendment. Similarly, the Director Defendants believe strict
5 liability claims against them are improperly pleaded. It will be more efficient for the Parties and
6 the Court to have clarity on these issues now rather than waiting until the bellwether process.

7 Finally, Plaintiffs have suggested the Newly Named Defendants should not be allowed to
8 file partial motions to dismiss targeting only some, rather than all, claims. Plaintiffs' argument
9 directly contradicts the federal pleading rules, which require each claim be properly pleaded.
10 Taken to its logical extension, Plaintiffs' argument would eliminate any partial motions to dismiss
11 and never allow courts to narrow the issues before them—which is not desirable in MDL cases or
12 otherwise. *See, e.g.*, Manual for Complex Litigation § 11.32 (“The legal insufficiency of a claim
13 or defense may be raised by motion for failure to state a claim or for partial judgment on the
14 pleadings.”) (emphasis added). And motion practice helps the Court to “define and narrow issues”
15 which “avoids later enlargement of issues and expansion or duplication of discovery.” *Id.* § 11.32.
16 Moreover, even dismissal of only certain claims is still of significance to the defendants. The
17 claims in a case impact a wide variety of matters, including, for example, the scope of discovery
18 and potential indemnity and insurance coverage. For these Newly Named Defendants, therefore,
19 it is not a matter of mere pleading artifice to have the Court examine the sufficiency of the claims
20 pleaded against them.

21 Motion practice presents an opportunity to whittle down and refine the issues in this
22 litigation. The Newly Named Defendants are entitled to know the specific claims and allegations
23 brought against them, and Plaintiffs have been on notice for months about concerns regarding the
24 sufficiency of the allegations in the Master Complaint and Short Form Complaints. Accordingly,
25 the Newly Named Defendants respectfully request the Court enter the following motion schedule:

- 26 • Opening briefs due October 7, 2020
- 27 • Plaintiffs' response due November 4, 2020
- 28 • Reply briefs due November 25, 2020

F. Failure to Serve Short Form Complaints

Yesterday, the liaison counsel for the Distributor Defendants notified Co-Lead Counsel that at least 50 plaintiffs have not served short form complaints on at least some of the Retailer and Distributor Defendants within the time prescribed by Rule 4(m). The parties will meet and confer, including investigating any potential issues with email service, and attempt to resolve these concerns before the next status conference. While the parties are hopeful that meeting and conferring will address these service issues, the Newly Named Defendants request the Court dismiss those cases at an appropriate time should these issues not be cured.

G. Minor Issues Particular to E-Liquid Defendants

On July 24, 2020, this Court entered an order approving Tyson & Mendes to substitute as counsel for MOTHER MURPHY'S LABORATORIES, INC. and ALTERNATIVE INGREDIENTS, INC. (Dkt. No. 823). Prior counsel for these defendants, J. Alexander Barrett of Hagan Barrett PLLC, had been appointed by this Court as Liaison Counsel for E-Liquid Defendants (Dkt. 808).

With the consent of counsel for all E-Liquid Defendants, as indicated in correspondence to the Court of July 27, 2020 (Dkt. 825), E-Liquid Defendants respectfully request that the minutes from this Case Management Conference appoint Mitchell B. Malachowski of Tyson & Mendes as liaison counsel for the E-Liquid Defendants.

Additionally, after the substitution of counsel referenced above, Tyson & Mendes, in accordance with Case Management Order No. 3 – Direct Filing Order (Dkt. 309), established the below email addresses to accept service of process for MOTHER MURPHY'S LABORATORIES, INC. and ALTERNATIVE INGREDIENTS, INC.:

MOTHER MURPHY'S LABORATORIES, INC.:

MDL2913_Service_MotherMurphysLaboratoriesInc@tysonmendes.com

ALTERNATIVE INGREDIENTS, INC.:

MDL2913_Service_AlternativeIngredientsInc@tysonmendes.com

MOTHER MURPHY'S LABORATORIES, INC. and ALTERNATIVE INGREDIENTS, INC. respectfully request that the minutes from this Case Management Conference include an

appropriate order such that service can be made upon these parties using these email address pursuant to Case Management Order No. 3 (Dkt. 309).

Plaintiffs will meet and confer with these Defendants to facilitate a seamless transition to the new service address and ensure adequate notice to all MDL plaintiffs.

H. Tribal Leadership Subcommittee

On August 7, 2020, Geoff Strommer, interim Tribal Representative on the PSC and lead counsel for a number of tribes in the MDL, filed a report on a proposed structure and recommended members for the established Tribal Leadership Sub-Committee. In the report, Mr. Strommer requests the Court appoint four proposed members to serve on the Tribal Leadership Sub-Committee and to appoint him to serve as the Tribal representative on the PSC on a permanent basis.

V. 26(F) REPORT

Plaintiffs and Defendants continue Rule 26 discussions. Over the past few weeks, the parties had several meet and confer sessions and offer the following report:

A. Initial Disclosures

Since the July 17 CMC, E-Liquid Defendants and Retailer Defendants Walmart, Chevron and Walgreens each provided Plaintiffs with Rule 26(a)(1)(A) disclosures. Plaintiffs, Eby-Brown, and the Retailer Defendants are continuing to meet and confer regarding supplementing the Initial Disclosures with the production of insurance policy documents, to the extent applicable. The Parties are meeting and conferring on the timing and sequence of service of the class plaintiffs' initial disclosures, as well as potential initial disclosures for the government entity plaintiffs.

B. Changes to Default Discovery Limits

The Parties continue to confer regarding changing the default discovery limits to accommodate the scale and complexity of the litigation.

VI. DISCOVERY STATUS

Since the July 17 Case Management Conference, discovery-related developments include the following:

1 **A. Discovery of Plaintiffs**

2 ***Personal Injury Plaintiff Fact Sheets***

3 Personal injury plaintiffs have submitted approximately 397 plaintiff fact sheets, and 75
4 plaintiff fact sheets would have already been due, but have not been submitted pursuant to
5 plaintiffs' requests for requests for extensions of time. Pursuant to CMO #8, JLI has moved to
6 dismiss 47 cases for failure to provide timely Plaintiff Fact Sheets, and Defendants are currently
7 reviewing those fact sheets that have been submitted for potential deficiencies, which will be
8 identified and addressed in accordance with CMO #8, as well.

9 On August 6, 2020, Judge Corley held a discovery hearing regarding Supplemental
10 Plaintiff Fact Sheets and subsequently issued an order regarding their content. *See* Dkt. No. 854.
11 The Parties have since conferred regarding any necessary amendments to CMO-8 and will file
12 promptly a proposed Amended CMO 8 or seek further guidance from Judge Corley if agreement
13 cannot be reached.

14 ***Government Entity Plaintiff and Defendant Fact Sheets***

15 The Parties have exchanged drafts of proposed fact sheets for the counties and the school
16 districts and Plaintiffs have sent Defendants a proposed defendant fact sheet. The Parties are in
17 the process of working through their differences on these fact sheets in an effort to either reach
18 agreement on them or narrow the issues that should be presented to Judge Corley for resolution.
19 Plaintiffs believe that these initial fact sheets should focus on information critical to the selection
20 of government entity trial bellwethers, so that these bellwethers can be selected by the end of this
21 year and further discovery can commence with respect to these bellwethers. The Government
22 Entity Plaintiffs are willing to discuss providing limited additional information for purposes of
23 case assessment, but note that as this information is not critical for bellwether selection, it can be
24 provided at a later date. Defendants believe that the initial plaintiff fact sheets will provide critical
25 information to the bellwether selection process, but note that "fact sheets can serve multiple
26 purposes," including providing an efficient mechanism to assist the parties and the court in
27 assessing whether certain claims may be candidates for expedited resolution through voluntary
28 withdrawal, dispositive motions, or through a settlement process." *See Guidelines & Best*

1 *Practices For Large & Mass-Tort MDLs*, Bolch Jud. Instit., Duke Law School, 2nd Ed. (Sept.
2 2018) (“*Duke MDL Guidelines*”) at pg. 10.

3 ***Class Representative Discovery***

4 On June 19, 2020, JLI served 20 requests for production of documents and 20
5 interrogatories on the named plaintiffs in the Consolidated Class Action Complaint. The parties
6 continue to confer, and intend to seek guidance from Judge Corley regarding these requests.

7 **B. Discovery of Defendants**

8 ***JLI***

9 Plaintiffs have served on JLI 390 requests for production of documents and 42
10 interrogatories (not including subparts). JLI has requested, and Plaintiffs have agreed, to
11 extensions for each set of discovery served to date. JLI has produced approximately 4 million
12 pages of documents into the MDL Document Depository, including re-produced regulatory
13 productions and other materials culled from more than 46 custodians, as well as certain self-select
14 or other collections or reproductions. Pursuant to further discussions with Plaintiffs in the MDL
15 and other litigation, JLI has agreed to add an additional 45 custodians. JLI’s production includes
16 approximately 485,000 documents, previously produced to the FTC, including a privilege log and
17 unredacted complaint. Plaintiffs provided modified ESI search terms to JLI on August 5, with JLI
18 to provide a response this week. Plaintiffs have requested “real-time” discussions with JLI
19 counsel and their ESI vendor to facilitate the process and finalize promptly. JLI produced a
20 privilege log on August 10 (for JLI productions 002-004); the parties held a preliminary meet and
21 confer regarding facial issues with the log on August 12.

22 ***Altria***

23 Altria has confirmed that will produce concurrently in the MDL the FTC productions it
24 intends to make in the coordinated antitrust actions. The MDL Plaintiffs and Altria have
25 exchanged and met and conferred regarding ESI search term proposals. The parties’ meet and
26 confer regarding Altria’s responses and objections to written discovery is also ongoing, with the
27 parties’ most recent discussions having occurred on August 13.

1 ***Director Defendants***

2 Plaintiffs have reviewed the Director Defendants' responses and objections to written
3 discovery, and sent letters to defense counsel identifying areas for discussion. Plaintiffs also
4 served jurisdictional discovery on JLI on August 5 and Director Defendants on August 7.

5 ***Retailer, Distributor, and E-Liquid Defendants***

6 Plaintiffs and the Retailer, Distributor, and E-Liquid Defendants have scheduled an
7 August 24 conference to discuss custodian identification and ESI search terms. On August 17,
8 2020, Plaintiffs served written discovery on the Retailer Defendants.

9 ***ESI and Technical Issues***

10 Plaintiffs identified about 3,000 documents produced to date that require color versions.
11 Plaintiffs and JLI met and conferred, and JLI produced requested documents on August 14.
12 Plaintiffs have also identified issues regarding non-native redlined documents in production, and
13 approximately 12,000 documents with document error codes. The parties continue to work on
14 resolving these technical issues.

15 **C. Coordination with JCCP on Discovery**

16 The MDL Plaintiffs are holding weekly calls with JCCP counsel regarding discovery
17 coordination. Defendants appreciate and encourage coordination between the MDL and the JCCP,
18 as detailed by the Joint Coordination Order (CMO # 9, ECF No. 572) and the Deposition Protocol
19 (CMO #10, ECF No. 573).

20 **D. Update Regarding Third-Party Subpoenas**

21 Plaintiffs have issued notices of third party subpoenas to more than 140 entities or persons.
22 A number of recipients have produced documents, while negotiations are ongoing with numerous
23 others. Plaintiffs and JLI have continued to meet and confer regarding Plaintiffs' discovery from
24 certain third-parties. The Parties have reached an impasse on aspects of these issues and expect to
25 seek guidance from Judge Corley.

26 Due to the continuing threat of COVID-19, Plaintiffs respectfully request an extension of
27 the Order temporarily suspending the Rule 45 requirements for service of process for Subpoenas.
28 A proposed order is attached as Exhibit B.

1 **E. Deposition Protocol and Joint Use of Vendors**

2 The Parties conferred and reached agreement regarding an amended Deposition Protocol,
3 filed on August 18, 2020 (Dkt. 888). Plaintiffs have also reached out to Defendants regarding
4 joint-retention of vendors for remote depositions.

5 **VII. ADR STATUS**

6 Pursuant to Civil Local Rule 16-10(d), the Parties report that they continue to confer with
7 Settlement Master Thomas J. Perrelli and cooperate with his recommendations and directives.

1 Dated: August 19, 2020

Respectfully submitted,

2
3 By: /s/ Gregory P. Stone

By: /s/ Sarah R. London

4 Gregory P Stone, SBN 78329
5 Bethany W. Kristovich, SBN 241891
6 **MUNGER, TOLLES & OLSON LLP**
7 350 South Grand Avenue
8 Fiftieth Floor
9 Los Angeles, California 90071-3426
10 Telephone: (213) 683-9100
11 Facsimile: (213) 687-3702
12 gregory.stone@mto.com
13 bethany.kristovich@mto.com

Sarah R. London
**LIEFF CABRASER HEIMANN &
BERNSTEIN**
275 Battery Street, Fl. 29
San Francisco, CA 94111
Telephone: (415) 956-1000

By: /s/ Dena C. Sharp

10 -and-

Dena C. Sharp
GIRARD SHARP LLP
601 California St., Suite 1400
San Francisco, CA 94108
Telephone: (415) 981-4800

11 By: /s/ Renee D. Smith
12 Renee D. Smith (*pro hac vice*)
13 Mike Brock (*pro hac vice*)
14 **KIRKLAND & ELLIS LLP**
15 300 N. LaSalle
16 Chicago, IL 60654
17 Telephone: (312) 862-2310

By: /s/ Dean Kawamoto

15 -and-

Dean Kawamoto
KELLER ROHRBACK L.L.P.
1201 Third Ave., Ste. 3200
Seattle, WA 98101
Telephone: (206) 623-1900

16 David M. Bernick (*pro hac vice*)
17 **PAUL, WEISS, RIFKIND, WHARTON &
18 GARRISON LLP**
19 1285 Avenue of the Americas
20 New York, NY 10019-6064

By: /s/ Ellen Relkin

21 *Attorneys for Defendant JUUL Labs, Inc.*

Ellen Relkin
WEITZ & LUXENBERG
700 Broadway
New York, NY 10003
Telephone: (212) 558-5500

Co-Lead Counsel for Plaintiffs

By: /s/ John S. Massaro

**ARNOLD & PORTER KAYE SCHOLER
LLP**

John C. Massaro (admitted pro hac vice)
Jason A. Ross (admitted pro hac vice)
601 Massachusetts Ave., N.W.
Washington D.C. 20001
Telephone: (202) 942-5000
Facsimile: (202) 942-5999
john.massaro@arnoldporter.com
Jason.ross@arnoldporter.com

*Attorneys for Defendants Altria Group, Inc.
and Philip Morris USA Inc.*

By: /s/ James Thompson

**ORRICK HERRINGTON &
SUTCLIFFE LLP**

James Thompson
James Kramer
Walt Brown
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
jthompson@orrick.com
jkramer@orrick.com
wbrown@orrick.com

Attorneys for Defendant James Monsees

By: /s/ Eugene Illovsky

BOERSCH & ILLOVSKY LLP

Eugene Illovsky
Martha Boersch
Matthew Dirkes
1611 Telegraph Ave., Suite 806
Oakland, CA 94612
Telephone: (415) 500-6643
eugene@boersch-illovsky.com
martha@boersch-illovsky.com
matt@boersch-illovsky.com

Attorneys for Defendant Adam Bowen

By: /s/ Michael J. Guzman

**KELLOGG, HANSEN, TODD, FIGEL &
FREDERICK, P.L.L.C.**

Mark C. Hansen
Michael J. Guzman
David L. Schwartz
Sumner Square, 1615 M St., N.W., Suite 400
Washington, DC 20036
Telephone: (202) 326-7910
mguzman@kellogghansen.com

*Attorneys for Defendants Nicholas Pritzker,
Riaz Valani, and Hoyoung Huh*

1 By: /s/ Mitchell B. Malachowski

2 **TYSON & MENDES, LLP**

3 James E. Sell
4 Mitchell B. Malachowski
5 Stephen Budica
6 April M. Cristal
7 523 4th Street, Suite 100
8 San Rafael, CA 94901
Telephone: (628) 253-5070
jsell@tysonmendes.com
mmalachowski@tysonmendes.com
sbudica@tysonmendes.com
acristal@tysonmendes.com

9 *Attorneys for Defendants Mother Murphy's*
10 *Labs, Inc., and Alternative Ingredients, Inc.*

11 By: /s/ Michael L. O'Donnell

12 **WHEELER TRIGG O'DONNELL LLP**

13 Michael L. O'Donnell
14 James E. Hooper
15 Marissa Ronk
16 370 17th Street, Ste. 4500
17 Denver, CO 80202
Telephone: (303) 244-1850
Odonnell@wtotrial.com
hooper@wtotrial.com
Ronk@wtotrial.com

18 *Attorneys for Defendant McLane Company,*
19 *Inc.*

20
21 By: /s/ David R. Singh

22 **WEIL, GOTSHAL & MANGES LLP**

23 David R. Singh
24 Bambo Obaro
25 201 Redwood Shores Parkway, 6th Floor
26 Redwood Shores, CA 94065
Telephone: (650) 802-3083
david.singh@weil.com
bambo.obaro@weil.com

27 *Attorneys for Defendant Core-Mark Holding*
28 *Company, Inc.*

By: /s/ Robert Scher

FOLEY & LARDNER LLP

Robert Scher
Peter N. Wang
Graham D. Welch
Dyana K. Mardon
90 Park Avenue
New York, NY 10016-1314
Telephone: (212) 682-7474
Facsimile: (212) 687-2329
rscher@foley.com
pwang@foley.com
gwelch@foley.com
dmardon@foley.com

Attorney for Defendants Tobacco
Technology, Inc., and Eliquitech, Inc.

By: /s/ Christopher J. Esbrook

ESBROOK LAW LLC

Christopher J. Esbrook
David F. Pustilnik
Michael S. Kozlowski
77 W. Wacker, Suite 4500
Chicago, IL 60601
Telephone: (312) 319-7681
christopher.esbrook@esbrooklaw.com
david.pustilnik@esbrooklaw.com
michael.kozlowski@esbrooklaw.com

Attorneys for Defendants Eby-Brown
Company, LLC, Circle K Stores, and 7-
Eleven, Inc., Speedway, and Walgreen Co.

1 By: /s/ Robert K. Phillips

2 **PHILLIPS, SPALLAS & ANGSTADT LLP**

3 Robert K. Phillips
4 Alyce W. Foshee
5 505 Sansome Street, 6th Floor
6 San Francisco, CA 94111
7 Telephone: (415) 278-9400
8 RPhillips@PSALaw.net
9 afoshee@psalaw.net

10 *Attorneys for Defendant Walmart Inc.*

11 By: /s/ Charles C. Correll Jr.

12 **KING & SPALDING LLP**

13 Andrew T. Bayman (Admitted *pro hac vice*)
14 1180 Peachtree Street, Suite 1600
15 Atlanta, GA 30309
16 Telephone: (404) 572-4600
17 abayman@kslaw.com

18 and

19 Charles C. Correll, Jr.
20 Matthew J. Blaschke
21 Alessandra M. Givens
22 101 Second Street, Suite 2300
23 San Francisco, CA 94105
24 Telephone: (415) 318-1200
25 ccorrell@kslaw.com
26 mblaschke@kslaw.com
27 agivens@kslaw.com

28 *Attorneys for Defendant Chevron Corporation*

4815-0965-3960, v. 1
2031443.7